

***Delta Protection Commission
Land Use and Resource Management Plan Update 2009***

**Detailed Record of Comments from the Preliminary Draft Plan
Public Workshops, January 2009**

This document lists all the comments that were made at the public workshops on the Delta Protection Commission's preliminary draft of an updated Land Use and Resource Management Plan. Comments from each of the two meetings are organized by element and then by policy, also listing comments related to goals, general comments, suggested additional policies, and suggested glossary terms. Comments that were made more than one time were noted in parenthesis (i.e., 'x2' means the comment was made twice). This document is meant to be used in conjunction with the actual text of the Preliminary Draft Plan which can be found at <http://www.delta.ca.gov/plan/management.asp>. A more general summary of the themes that came up in the discussions at these workshops can be found at this site as well (see the Summary of the Preliminary Draft Plan Public Workshops document).

DAY 1

Wed., Jan. 7th, 5:30 pm-9 pm

Jean Harvie Community Center, Walnut Grove

1) NATURAL RESOURCES ELEMENT

General comments

- 1) Some policies too broad and unclear.
- 2) Policies with terms like 'support,' and 'preserve,' etc., need to be made stronger with more focus related to the desired outcome on each policy.

Policy 1

- 3) Public Resource code – link to find easily.
- 4) Clarify 'temporary.' If it can't be farmed, then alternative uses should be considered.
- 5) Need to encourage/protect water rights and supplies.

Policy 2

- 6) Local governments 'should utilize results of studies' not 'shall support studies.' This is not a responsibility of local government
- 7) Encourage soil restoration via subsidies.

Policy 4

- 8) Within budget constraints, increase or enhance the support of invasive species (x2).
- 9) Clarify how DPC will 'support,' i.e. funding, stream-lined approval, resources, etc.
- 10) Include the word 'reasonable' before 'non-native invasive species control measures.'
- Manage in a way not detrimental to business or residential.
- 11) Maintain stripped bass, black bass, salmon.
- 12) Add Homeland Security to the list of agencies.

Policy 5

- 13) Preserve and protect agricultural areas regardless of financial.
- 14) Farmland may be jeopardized with this wording.
- 15) How will DPC 'offset'
- 16) Concern about revenue base mechanism. Currently: use of land assessed, but if use changes then tax revenue changes.
- 17) Concern about financing structure for levees, wildlife, farming.
- 18) Needs exclamation point.

Policy 6

- 19) Clarify that buffers between lands converted for wildlife and agricultural areas do not infringe on ag lands (x2).
- 20) Define appropriate buffer, who will determine this (x3)?

Policy 7

- 21) 'Suitable' and 'appropriate' are too broad of terms.

Policy 8

- 22) Right to farm provision to avoid urban uses (residential, business, industrial) from encroachment or interference of agricultural uses and practices.

Policy 9

- 23) Inundation due to what? Where did this come from (x 2)?
- 24) Should say accidental inundation from levee failure.
- 25) Who pays to protect duck clubs? If farmers and reclamation districts need to come up with own funding, what not duck clubs? Need clarification on why this was included.

Policy 10

- 26) Change 'natural' to 'national.'
- 27) Define the source of funding to meet goal.
- 28) Define sources of funding for National Heritage Area (x 2).
- 29) Clarify why designate as NHA?
- 30) Add the term 'recreational' along with 'ecological and agricultural tourism.'
- 31) Should be in Land Use section, not in Environment.
- 32) Should end with 'Delta.'

Policy 11

33) What about ammonia coming into the Sacramento River from the Sacramento Regional Wastewater Treatment Plan?

Additional Policies

34) Need policy relating to salinity level. What should we do with it (i.e., Monitoring)?
What are the benefits/effects to the environment?

35) Wind intrusion impacts to the environment (i.e., levee impacts)

Glossary Terms

36) Complete language of code sections.

LAND USE ELEMENT

Goals

37) Include communities of Long Island, Snug Harbor, Delta Scenic Loop and Oxbow.

Policy 2

38) Act in 1992 defined zoning. This should be stated in specific terms and language should be amplified.

39) Add, at the end, 'with the exception of currently permitted facilities.'

40) Include 'right to farm' provision by protective and supportive zoning of adjacent land.

41) After 'recreation land uses' add 'are beneficial and...'

Policy 3

42) Option 1 chosen.

- Option 2 is not specific enough.

43) Option 2 chosen (x 4).

- Not appropriate to set an arbitrary size for all setbacks.
- But should go on a 'case by case' basis as the buffer needs to be carefully thought through as to who is to mitigate.

44) Group agreed to disagree.

- Some thought there should be a uniform buffer size for all of primary zone, while others thought the ag commissioners should decide.

Policy 4

45) Option 2 is chosen.

- Flood control must be provided.
- #1 would weaken Act.
- If state flood protection laws are complied with (supported by one group member).

46) Option 1 is chosen (x 2)

- Need to add Long Island, Snug Harbor, Delta Scenic Loop and Oxbow.
- Need to clarify terms 'infrastructure' and 'flood protection.'

47) Option 3 is chosen.

- No exceptions! Add that appropriate impact fees be determined to pay "fair share" new infrastructure and flood protection.

48) Some thought list of communities should be broader.

Policy 5

49) Change 'of' to 'with.'

Policy 6

50) Reservoir needs to be defined (x 2) as if it means flooding islands and huge re-diverted impacts, it should be thought through.

Policy 7

51) Delete it as it stinks.

Policy 9

52) Strongly support this.

Policy 10

53) Add 'while still in active use for that purpose', instead of the part about discouraging.
54) Encourage more spoil sites and use of spoilt.

Policy 11

55) Omit this policy as clustering should not occur.

Policy 12

56) Omit this policy as clustering should not occur.
57) Why not use 2009, instead of 1992?

Policy 13

58) Explain relevancy of critical mass.

Policy 14

59) Need to investigate or review the necessity for labor camps and analyze financial responsibility for them.
60) Say 'applicable codes.'
61) Add 'and maintain.'

Glossary Terms

62) Critical mass (x3)

63) Non-agricultural oriented development (x2)

AGRICULTURE ELEMENT

General comments

64) These policies were written better than the policies in the land use and environment sections.

Policy 2

65) Awkwardly written.

66) Remove second sentence.

67) Need period after 'lowest.'

68) The second sentence ('The unique physical...') could be a sub-policy statement of this policy.

Policy 3

69) Delete 'local' (x2) and 'in the state.'

70) Enhance this policy! Need more publicity of recreation in the Delta.

Policy 4

71) Explain how support is rendered for agriculture.

72) 'Encourage' and 'promote' should be changed to 'allow.'

Policy 5

73) The purpose and to whom it is directed needs to be clarified as there is concern that its overly restrictive of private property rights.

74) Make sure this policy is compatible with Land Use P-4.

75) Clarify what is 'appropriate.'

76) Add right-to-farm provision.

Policy 6

77) Clarify who would do the acquisitions. Make sure this policy does not restrict what types of crops can be grown.

Policy 7

78) Delete 'and others.' Define 'predators.'

Policy 8

79) Review if this should still be as written as commission should have more flexibility and not tied to zoning codes from 1992.

RECREATION AND ACCESS ELEMENT

General comments

- 80) For P-1 to P-4 – question why funding is a role of the DPC as counties should be responsible for the supervision of existing public recreation.
- 81) Boating appears to be minimized in this draft plan (x2) compared to how it was originally framed in the Act (e.g., P-2).
- 82) Need to expand discussion to address public and/or private applicability.

Policy 5

- 83) Encourage opportunities for water, *hiking, and biking* trails.
- 84) What is a water trail (x2)?
- 85) Some signage is needed for boaters.
- 86) Ensure landowner approval for Delta wide trails.
- 87) Define necessary amenities and identify funding source.

Policy 6

- 88) Needs clarification.
- 89) Agree with this policy.

Policy 7

- 90) Needs clarification.

Policy 8

- 91) Designate areas for fishing, water sports, etc. (i.e., Yolo county has Merritt landing with boat ramps, picnic areas and bank fishing).
- 92) Add: Work with landowners for water related recreation.
- 93) Add: Encourage commercial marinas expansion and construction.

Policy 9

- 94) Already being done by the Dept. of Boating and Waterways – three gas tax funding.
- 95) Encourage these facilities.
- 96) Need greater discussion if applied to private marinas.

Policy 10

- 97) Seems important, but there is no leadership to accomplish the removal of abandoned boats.
- 98) Support more money for removal of abandoned vessels for counties.

Policy 12

- 99) Improve signage for Delta features such as roadways, islands and bridges.

Additional Policies

- 100) A new policy on keeping navigable waterways open needs to be developed (x2).
- If barriers are needed, they must be able to be transversed.
 - Where gates/barriers are installed, then boat locks should be constructed at the expense of those who benefit by such gates/barriers, and no cost to boaters.
- 101) Boat traffic shall not be impeded.

Glossary Terms

- 102) Water Trail
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WATER ELEMENT

General comments

- 103) Freshwater or saltwater Delta is the heart of this section.
- 104) Make westlands water district and metropolitan water district pay for salinity damage to Delta lands and fisheries.

Policy 3

- 105) Conflicting interest for decades now.

Policy 2

- 106) Need to *require* vector control.
- 107) Impacts of habitat restoration/flooding programs should be expanded beyond just mosquito and vector control to include other impacts to adjacent properties and uses.

Policy 4

- 108) Too early to apply as mercury TMDL has not yet been established.

Policy 5

- 109) Unsure between the two
- If option 2 is chosen, it should have wording that is consistent with retaining existing uses of waterways and not impeding boat traffic.
- 110) Option 1 is chosen (x4).
- Most water moves thru river .
 - Change from 'a primary' to 'the primary' (x2).
 - 'Continue to have *existing* Delta waterways...'
- 111) Option 2 is chosen (1 individual).
- Need to make consistent with maintaining current recreation and agriculture.

Policy 6

- 112) Need to add language to make it stronger.

- 113) Confusing as written, 'Delta water rights (to include area of origin water rights and riparian water rights) and contracts, are respected and protected.'
- 114) Strongly support this policy.

Additional Policies

- 115) Existing or riparian rights of landowners should be honored.
 - 116) North Delta Water Agency Contract shall be honored in perpetuity.
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LEVEES ELEMENT

General comments

- 117) All levee policies must be consistent with state legislation in a post Katrina era.
- 118) Dredge to 1850 levels!

Goal

- 119) Support dredging problems as well as levee stabilization.

Policy 1

- 120) Re-consider applicability of 1992 dates.
- 121) Footnote #1: AB360 + SB34, Subventions program between state and reclamation district.

Policy 2

- 122) First sentence is not grammatically correct. Suggest better coordination.

Policy 3

- 123) Limit encroachment on levees.

Policy 4

- 124) Add – 'no further residential development until the 200 year standard is met.'

Policy 5

- 125) Encourage improving levees to minimum standards with funding as FEMA won't participate if standards are not met, which is a serious problem.

Policy 6

- 126) Keep the quarry open for supply of rock materials. Need more supplies and sites for stockpiling.
- 127) Add – 'and emergency supplies.'

Additional Policies

- 128) Water end users (exports) should share in levee repair and maintenance (*note: this could also be added to P-9*).

- 129) Need policy that addresses issue of revegetation of levees.
 - 130) Investigate the feasibility of clam-shell dredging the river system for use on levees.
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UTILITIES AND INFRASTRUCTURE ELEMENT

Goal

- 131) Goal should be rephrased to be more in sync with the policies.
- 132) In the last sentence – include ‘recreation.’
- 133) Define ‘excessive construction.’
- 134) First sentence is in direct conflict with water exports.
- 135) No canals, conveyance, or isolated facilities.

Policy 1

- 136) ‘...shall be buried...’ may be too restrictive. This should be left to the experts and CEQA.

Policy 2

- 137) Add – ‘independent treatment shall be for commercial/industrial only and are not growth inducing.’
- 138) Replace ‘wastewater treatment facilities’ with ‘septic systems’ (x2).

Policy 4

- 139) At the end of policy, add – ‘and should be prohibited.’
- 140) Delete the term ‘centralized’ and replace it with ‘suitably located to serve Delta residents.’

Policy 5

- 141) Add signage, lighting and guard rails to road improvements.
- 142) Highway 4,12,160 conflict with discouraging commuter traffic.

Policy 7

- 143) Why there?

Additional Policies

- 144) Add something about dredging to maintain waterways.
- 145) Promote green alternatives where feasible, including septic system technology.

DAY 2

Thur., Jan. 8th, 5:30 pm-9 pm

San Joaquin Farm Bureau Federation, Stockton

ENVIRONMENT ELEMENT

General comments

146) Policies are not at the 'how to' level.

Policy 1

147) Not always possible for land to remain reinstatable for agriculture.

148) How can DPC override Army Corps of Engineers?

Policy 4

149) Ballast water from ships should be treated with chemicals to eliminate invasive species. Otherwise they should dump out ballast water out before going under the golden gate bridge.

Policy 8

150) Make sure conservation easements are voluntary and don't restrict agricultural practices.

151) Clarify we cannot use eminent domain, conservation. easements must be through donation and purchase.

152) Planning for conservation easements should be done in a way to avoid isolation, as one conservation easement in the middle of a diversified farming area would not be a good thing.

Policy 10

153) Change 'natural' to 'National.'

154) Who would manage National Heritage Area? Agriculture is in minority now.

Glossary Terms

155) National Heritage Areas

LAND USE ELEMENT

General comments

156) Goals and policies negate principles of environment and allow people to much freedom. The Delta should remain agriculture and habitat and not buildings.

Policy 3

- 157) Option 1 (x1)
- But change from 500 to 1000 feet.
- 158) Option 2 (x1)
- Gives more authority to local government jurisdiction which would help with right to farm ordinances.
- 159) Buffer zone – Needs an explanation. One whose land is it on and what is planted there?
- 160) If possible, address issue of buffers between primary and secondary zones.

Policy 4

- 161) Option 1
- Good option if that one wants to leave it as is.
- 162) Option 3
- Better if you want developments.

Policy 10

- 163) Encourage use of dredged material at spoil sites for levee rehabilitation. (*Note: cross-referenced as an additional policy under Levees.*)

Policy 11

- 164) Good idea, promote development of model ordinance.

Policy 15

- 165) Concern about loss of local control from NHA. Need information upfront.

AGRICULTURE ELEMENT

General comments

- 166) Need clarifying language around the two types of easements: agriculture and habitat.

Goal

- 167) What does ‘discourage inappropriate’ mean?

Policy 2

- 168) What if high-quality water is not available?
- 169) Needs clarification, that the purpose is to ensure that high quality ag land is not converted to something else.
- 170) Need clarification around the term ‘landowners’ as if you buy land in a reclamation district you are going to participate in levee maintenance.

171) Maybe just strike last sentence of P-2.

Policy 4

172) Strike the term sustainable.

Policy 5

173) Define buffer.

174) Distinguish between land or water buffer.

Policy 6

175) Include 'voluntary' throughout the policy (x2).

176) Concern over stacking different types of easements.

Policy 7

177) Strike items that are beyond the control of the farmer (such as poaching and public access).

178) Ensure this policy does not conflict with Recreation and Access element.

Policy 8

179) Is missing context, need to go back to earlier draft.

Glossary Terms

180) Wildlife-friendly farming

RECREATION AND ACCESS ELEMENT

General comments

181) Language is very good.

182) Consideration of funding opportunities is important.

183) The effects new buildings have on the environment need to be monitored to minimize negative impacts.

184) Need to discuss how the problems associated with recreation will be addressed such as litter, theft, etc. in order to take responsibility for an increase in visitors.

Policy 3

185) Need clarification on what a 'recreation area' is.

186) Spelling error (*recreation should be recreation*).

187) There are already existing, well established rec. areas in the Delta which should be encouraged before establishing new ones.

Policy 5

- 188) Not supportive of Delta wide trails that would take away from agriculture and harm trespassing.
- 189) Delta trails along levee lines invites trespassing, need to address policing issue.
- 190) Infrastructure cannot support this on a Delta-wide basis
- 191) How will rivers be crossed in a Delta-wide trail?
- 192) Water-oriented trails are fine as they do not encroach.

Policy 7

- 193) Unclear how parking/access relate to policy.

Policy 10

- 194) Abandoned vessels are expensive to remove. Need to have a program to surrender them before they are abandoned.
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WATER ELEMENT

General comments

- 195) Need language to support to indicate ‘stop taking Delta water.’

Policy 1

- 196) Already mandated by law.

Policy 3

- 197) This is violated regularly. DPC needs to be more aggressive to make sure these standards are met.

Policy 5

- 198) Option 2 is preferred
 - But change ‘a’ to ‘the’ (x2).

Policy 6

- 199) Focus on protecting existing water rights.
 - 200) Stop sentence before ‘downstream.’
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LEVEES ELEMENT

General comments

- 201) Need to address ways to improve water quality with levees on an interim basis.

- Look at the Delta corridor proposal. Russ Brown from Jones and Stokes has a presentation on the proposal.
- 202) Promote common pool water concept as peripheral canal is the death of the Delta.

Goal

- 203) Include something about maintaining/increasing funding.
- 204) Define climate change with objective, real science, (not political science).

Policy 1

- 205) Clarify ‘appropriate governing bodies.’

Policy 2

- 206) ‘...increase coordination...’ instead of ‘...better coordinated...’

Policy 4

- 207) Define ‘small urban communities.’
- 208) Consider not just limiting to small urban communities.

Policy 5

- 209) Need to meet priority HMP standards set by FEMA. Army Corps of Engineer standards are secondary.

Policy 9

- 210) Add commas after the first ‘and.’
- 211) Move up this policy, otherwise funding seems like an afterthought.

Additional Policies

- 212) Encourage use of dredged material at spoil sites for levee rehabilitation. (*Note: cross-referenced under P-10 of Landuse.*)
- 213) Need a policy around reversing land subsidence.

Glossary

- 214) Small urban communities

UTILITIES AND INFRASTRUCTURE ELEMENT

Goals

- 215) Clarify that we don’t want facilities going through the Delta for uses outside the Delta.

Policy 1

- 216) Needs clarification on term ‘pipeline.’ If it is a large diameter gasline it may need weighting.
- 217) Capacity point – unnecessary.

Policy 2

- 218) In sentence 1, there needs to be clarification on if this is for individuals or communities.
- Unsure if state can license new discharges
- 219) Possible inconsistency with rest of the plan.
- 220) Clarify if it would just be ag. housing.
- 221) Can you just say ‘wells and septic tanks’ instead of ‘independent potable water and wastewater treatment facilities’?
- 222) Check clustering on P-11 of land use. If well or septic system serves more than 4 or 5 houses, it may require being a municipal water district.
- 223) Add not inducing ‘within the Delta.’

Policy 3

- 224) Also promotes building. Need to clarify that the intent is not to allow urbanization.

Policy 4

- 225) San Joaquin County already has a ban on solid waste disposal in the Delta.

Policy 5

- 226) Highway 4 and Howard Road are already commuter ways.
- It is ok that hwy 4 is a commuter way.
 - Maybe it should be widened in case of an emergency.
 - Change from ‘discourage’ to ‘encouraged to get through agricultural areas.’